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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,249	04/08/2004	Michael T. Rossides		1768

7590 10/18/2006
MICHAEL T. ROSSIDES
11167 E. MIRASOL CIRCLE
SCOTTSDALE, AZ 85255

EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3691

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,249

Applicant(s)

ROSSIDES, MICHAEL T.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The Examiner accepts the drawings filed on April 8, 2004.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;

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- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said submitter" in page 135, line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (US 2003/0069744) in view of Torrey (US 6,457,005).

Re claim 1, Craigh teaches a method for paying commissions, using an online computer database system (para. 0037, 0039, and 0013; Craig discloses paying the collective listing organization a commission when the buyer purchases a sales listing from the listing sales broker from online sources), comprising the following steps:

establishing a seller account for a seller (para. 0008, 0039, and 0087; Craig discloses a brokerage web site contains agent profiles to aid a real estate buyer or seller in finding a real estate professional to help them),

registering a referral fee offer by said seller (fig. 11),

establishing an account for a user who will submit a referral claim (para. 0083; figs. 15-18; Craig discloses numerous accounts by registering username and password),

enabling said user to find said referral fee offer (figs. 5-6: Craig discloses a referral fee to the collective listing organization, to be split with the referring broker when any transaction is closed with the buyer),

registering in a claims database a referral claim corresponding to said referral fee offer (para. 0065, 0048, 0056, and 0063; Craig discloses a referral fee is paid from the listing sales broker to the collective listing organization that manages the listing database and referral engine),

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if said claim loses said bet, registering the loss in said claims database (para. 0061; Craig discloses the broker or agent records the status of the referred person until the referral is closed or lost),

if said claim wins said bet, registering the win in said claims database (figs. 11 and 15-18) and:

informing said submitter that said the claim is a winner and is provisionally worth said payoff (para. 0060; Craig discloses a referral coordinator contacts the referred buyer to determine the buyer's needs),

enabling said submitter to submit a payoff redemption request corresponding to said winning claim (para. 0079; fig. 6abstract),

if said submitter submits said redemption request, registering said request, and informing a system-authorized inspector about the request (figs. 5-6, 11, and 15-18),

enabling said inspector to enter a decision as to whether said winning claim is valid according to the term of the referral fee offer (para.0055; fig. 11a; Craig discloses the service center contacts the buyer leads and referrals received from the referral engine to determine if they are valid and/or qualified buyers),

registering said inspector's decision as to whether said winning claim is valid (para. 0072-0073; figs. 11-11a),

upon a negative decision, informing said submitter that said winning claim is invalid (para. 0055),

upon a positive decision, notifying said seller that it owes the payoff for the winning claim (para. 0056).

However, Craig does not explicitly teach executing a payment bet for the claim in which the expected value equals the referral fee in said referral fee offer. On the other hand, Torrey specifically teaches executing a payment bet for the claim in which the expected value equals the referral fee in said referral fee offer when he discloses the step of making payment to a referring party according to a "trigger event" (col. 6, line 17 to col. 8, line 21). In other words, Torrey teaches a payment bet when he discloses a trigger event. A trigger event indicates when payment to a referring party is due. For example, a particular opportunity may be associated with trigger events for (1) a personal interview with a referred person before a position is filled, (2) hiring the referred person to fill the position, and (3) a satisfactory employee review after three months of employment. Progressively larger fees could be defined for each successive trigger event. In principle, any combination of trigger events and associated fees is possible. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to executing a payment bet for the claim in which the expected value equals the referral fee in said referral fee offer because it enables one to set criteria for referral management method.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berns et al., US 2004/0153352

Wright e al., US 2003/0083895

Good et al, US 2001/0039496

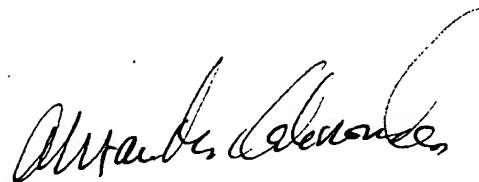
Ballard, US 2003/0220808

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
10/10/2006



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER